
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

LEROY PORTER,

Plaintiff,

versus

JOHN B. FOX,

Defendant.

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CIVIL ACTION NO. 1:09-CV-900

**MEMORANDUM ORDER ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Leroy Porter, an inmate confined within the Bureau of Prisons, proceeding *pro se*, filed the above-styled civil rights lawsuit. The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

Plaintiff has filed a motion asking that his case be dismissed. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the motion be granted and this lawsuit dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a).

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the magistrate judge's Report and Recommendation.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Plaintiff's motion to dismiss is **GRANTED**. A final judgment will be entered dismissing this lawsuit.

SIGNED at Sherman, Texas, this 19th day of February, 2010.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE